

# **EXHIBIT**

**5-1**

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FUNGAL IMMUNOMODULATORY PROTEIN (FIP) PREPARED BY  
MICROORGANISMS AND USES THEREOF**

the specification of which (check one)

- is attached hereto.  
 or  
 was filed on March 17, 2006 and which has been assigned U.S. Application Serial No. 10/572,563.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

| PRIOR FOREIGN APPLICATION(S) |         |                            | PRIORITY CLAIM                      |                          |
|------------------------------|---------|----------------------------|-------------------------------------|--------------------------|
| APPN. SERIAL NO.             | COUNTRY | DATE FILED<br>(MM/DD/YYYY) | Yes                                 | No                       |
| PCT/CN2004/001044            | China   | 09/14/2004                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                              |         |                            | <input type="checkbox"/>            | <input type="checkbox"/> |
|                              |         |                            | <input type="checkbox"/>            | <input type="checkbox"/> |

## **DECLARATION AND POWER OF ATTORNEY**

Atty. Dkt. No.: 8964-000031/US

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| PRIOR PROVISIONAL APPLICATION(S) |                         |
|----------------------------------|-------------------------|
| APPN. SERIAL NO.                 | DATE FILED (MM/DD/YYYY) |
| 60/503,547                       | 09/17/2003              |
|                                  |                         |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below:

| PRIOR U.S. APPLICATION(S) |                         |  |
|---------------------------|-------------------------|--|
| APPN. SERIAL NO.          | DATE FILED (MM/DD/YYYY) | STATUS - PATENTED,<br>PENDING, ABANDONED |
|                           |                         |  |
|                           |                         |  |
|                           |                         |  |
|                           |                         |  |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## **POWER OF ATTORNEY**

I hereby appoint the following attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

|                    |                 |
|--------------------|-----------------|
| John A. Castellano | Reg. No. 35,094 |
| Terry L. Clark     | Reg. No. 32,644 |
| Donald J. Daley    | Reg. No. 34,313 |
| Gary D. Yacura     | Reg. No. 35,416 |

and all individuals assigned to Customer No. 30593.

## **DECLARATION AND POWER OF ATTORNEY**

Atty. Dkt. No.: 8964-000031/US

### **CORRESPONDENCE ADDRESS**

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P.L.C., Customer No. 30593, P.O. Box 8910, Reston, Virginia, 20195, (703) 668-8000.

**Full name of sole or first inventor:** Jiunn-Liang KO

**Inventor's signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Residence:** F6-3, 23, Lane 169, KangNing St., Shijr, Taipei, 221, Taiwan

**Citizenship:** Republic of China

**Mailing Address:** Same as Above

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**Full name of second joint inventor:** Yu-Lu HUANG

**Inventor's signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Residence:** F6-3, 23, Lane 169, KangNing St., Shijr, Taipei, 221, Taiwan

**Citizenship:** Republic of China

**Mailing Address:** Same as Above

## **DECLARATION AND POWER OF ATTORNEY**

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**Full name of third joint inventor:** Tzu-Chih CHEN

**Inventor's signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Residence:** F6-3, 23, Lane 169, KangNing St., Shijr, Taipei, 221, Taiwan

**Citizenship:** Republic of China

**Mailing Address:** Same as Above

# **DECLARATION AND POWER OF ATTORNEY**

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**Full name of fourth joint inventor: Hsu-Wei HUNG**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: F6-3, 23, Lane 169, KangNing St., Shijr, Taipei, 221, Taiwan

Citizenship: Republic of China

Mailing Address: Same as Above

# DECLARATION AND POWER OF ATTORNEY

Atty. Dkt. No.: 8964-000031/US  
CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P.L.C., Customer No. 30593, P.O. Box 8910, Reston, Virginia, 20195, (703) 668-8000.

**Full name of fifth joint inventor:** Ho-Lung JIANG

Inventor's signature: Ho-Lung Jiang

Date: Dec. 07, 2007

Residence: F6-3, 23, Lane 169, KangNing St., Shijr, Taipei, 221, Taiwan

Citizenship: Republic of China

Mailing Address: Same as Above

# **DECLARATION AND POWER OF ATTORNEY**

Atty. Dkt. No.: 8964-000031/US

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**Full name of sixth joint inventor: Ching-Lung HU**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: F6-3, 23, Lane 169, KangNing St., Shijr, Taipei, 221, Taiwan

Citizenship: Republic of China

Mailing Address: Same as Above

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**Full name of seventh joint inventor: Cheng-Chun KUAN**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: F6-3, 23, Lane 169, KangNing St., Shijr, Taipei, 221, Taiwan

Citizenship: Republic of China

Mailing Address: Same as Above

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**Full name of eighth joint inventor: Hsuan-Ju THOU**

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: F6-3, 23, Lane 169, KangNing St., Shijr, Taipei, 221, Taiwan

Citizenship: Republic of China

Mailing Address: Same as Above